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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-205591

DATE: December 28, 1981

MATTER OF: Space Services, Inc.

DIGEST:

Protest that the receipt of an amendment to a solicitation only four days prior to bid opening left insufficient time to revise a bid filed after bid opening is untimely and will not be considered on the merits.

Space Services, Inc. protests the bid opening and any award under invitation for bids No. F0461282-B-0001 issued by Mather Air Force Base for a food service contract. We dismiss the protest as untimely.

The protester alleges that it received an amendment which made substantial wage rate changes to those contained in the solicitation on November 12, 1981, only four days prior to bid opening. Apparently, Space Services believes four days is not sufficient to revise its bid. In any event, the firm was aware of the basis of its complaint when it received the amendment. Bids were opened on November 16, 1981.

Our Bid Protest Procedures provide that a protest based upon an impropriety in a solicitation which is apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1981). The protest was filed (received) with our Office on November 24, 1981, and is, therefore, untimely.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel